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4 **UNITED STATES DISTRICT COURT**  
5 **NORTHERN DISTRICT OF CALIFORNIA**  
6 **OAKLAND DIVISION**

7  
8 IN RE CALIFORNIA BAIL BOND  
9 ANTITRUST LITIGATION

10  
11 THIS DOCUMENT RELATES TO:  
12 ALL ACTIONS

Master Docket No. 19-cv-00717-JST-DMR

13 **CLASS ACTION**

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15 **ADMINISTRATIVE MOTION TO**  
16 **SUPPLEMENT THE AUGUST 12, 2021**  
17 **LETTER BRIEF AND TO SEAL**  
18 **MATERIAL DESIGNATED AS**  
19 **CONFIDENTIAL BY AN OPPOSING**  
20 **PARTY**  
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1 Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs bring this administrative motion to  
2 file provisionally under seal ACIC\_000011890 (“Exhibit 1”) for the Court’s consideration in  
3 conjunction with the September 30, 2021 hearing on the parties’ pending discovery dispute. At  
4 issue is whether Select Dismissed Defendants (SDDs) may withhold or redact information that, in  
5 their subjective judgment, lacks a sufficient connection to California, regardless of whether the  
6 document is: (1) responsive to agreed-upon discovery requests; (2) from the files of custodians  
7 who, according to the SDDs “would necessarily be aware” of the alleged conspiracy in  
8 California; and (3) hit on search terms that the SDDs have agreed to use. ECF 208. Exhibit 1,  
9 attached, illustrates why the Court should compel the SDDs to produce all such documents  
10 without redactions.

11 Exhibit 1 is a contemporaneous email exchange among direct California bail competitors,  
12 including the SDDs, produced by Dismissed Defendant American Contractors Indemnity  
13 Company (“ACIC”) on September 10, 2021. The discussion pertains to the efforts of “Chad the  
14 Bail Guy” to buck the cartel goal of charging consumers 10% of the bail amount, without rebates,  
15 referenced in Plaintiffs’ Second Consolidated Amended Complaint. ECF No. 94, ¶ 92.  
16 Participants in the exchange make clear that they have, and will continue to, collude to deprive  
17 California consumers of the benefits of the competition required by Proposition 103, exactly as  
18 Plaintiffs have alleged. The document is directly relevant to Plaintiffs’ claims.

19 Despite this, ACIC redacted several passages in the exchange, on the basis of the  
20 geographic scope objection pending before the Court. ACIC has informed Plaintiffs that may be  
21 willing to produce unredacted versions of this exchange, but have not yet done so. The SDDs  
22 should not be permitted to make redactions of this kind, or to withhold documents that would  
23 otherwise be produced, but for the SDDs’ geographic scope objection.

24 Exhibit 1 shows the kind of information that the SDDs are withholding from their  
25 document productions, and demonstrates the risks attendant to Defendants’ highly subjective  
26 criteria for doing so. Plaintiffs therefore propose to supplement the August 12, 2021 letter brief  
27 with Exhibit 1.  
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1 Dated: September 29, 2021

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